IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3219 OF 2005

Ramesh, Son of Tiloomal Rijhwani ....Petitioner

V/s

The State of Maharashtra & Anr. ....Respondents.

Mr. Sahil L. Kanuga for the Petitioner.

Mr. Y.M. Nakhwa, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 10th August, 2007

P.C.:

1. Heard the learned Counsel for the Petitioner and the learned APP for the State.

2. The petitioner takes exception to the order passed by the Police Commissioner, Thane dated 15/12/2005 whereby he was pleased to cancel the license issued in favour of the petitioner by exercising power vested in him under section 162(2) of the Mumbai Police Act, 1951.

3. The grievance of the Petitioner is that this order has been passed without issuing show cause notice to the Petitioner and without following the procedure prescribed under the Act and Rules. It is submitted that, therefore, this

order is clearly in violation of the principles of natural justice.

4. I have perused the impugned order. The Police Commissioner, Thane, after giving a brief history of the case, has canceled the license which was issued in favour of the Petitioner. It is quite obvious from the said order that no procedure had been followed by the respondents of issuing show-cause notice to the Petitioner and of giving him an opportunity of filing his say to the show-cause notice. The impugned order is, therefore, liable to be set aside.

5. In the result, Petition is allowed. Order dated 15/12/2005, annexed at Exhibit-A to the Petition, is quashed and set aside. Liberty is, however, granted to the respondents to issue a fresh show cause notice to the Petitioner and after giving him an opportunity of being heard in the matter, the respondents may decide the said show cause notice in accordance with law.

6. Writ Petition is disposed of in the above terms.

(V.M. KANADE, J.)